

Application granted. The initial conference is adjourned to 10/28/2020 at 10:30 a.m. The proposed civil case discovery plan and scheduling order is due, pursuant to my rules, at least one week before the date of the conference. The parties are permitted to seek discovery prior to the date of the initial conference.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: New York, New York
October 16, 2020



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VIA ECF

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
500 Pearl Street, Room 1950
New York, NY 10007

Re: International Business Machines v. Rodrigo Kede De Freitas Lima
Case No. 7:20-cv-04573(PMH)(PED)

Dear Judge Halpern:

We represent Defendant Rodrigo Lima in the above-referenced action. We write to respectfully request an adjournment of: (1) the Initial Conference from October 21, 2020 at 3:30 pm to another day in the week of October 26 – 30, 2020; and (2) the date for submitting the parties' proposed civil case discovery plan and scheduling order (the "Plan") from October 14, 2020 to October 23, 2020. The parties are scheduled to participate in a mandatory mediation with the United States Court of Appeals for the Second Circuit, Civil Appeals Mediation Program on October 20, 2020, and we believe that filing the Plan after the completion of the mediation will enable the parties to (i) make any post-mediation adjustment to the Plan in the event the mediation is unsuccessful, and (ii) hold the Initial Conference after the filing of the Plan. There have been no previous requests for an adjournment. Counsel for Plaintiff IBM has advised us that IBM does not consent to this request.

Respectfully,

/s/ James McQuade

James H. McQuade